

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE PENSION PLAN
OF THE PENSION FUND OF
AMALGAMATED PRODUCTION &
SERVICE EMPLOYEES LOCAL 22
F/K/A TRUSTEES OF THE PENSION
PLAN OF THE PENSION FUND OF
AMALGAMATED, INDUSTRIAL TOY
& NOVELTY WORKERS OF
AMERICA, LOCAL 223,

Plaintiffs,

-against-

THE GOLDBERGER COMPANY LLC,

Defendant.

ANALISA TORRES, District Judge:

On June 30, 2021, the Court issued an order to show cause setting a briefing schedule for Plaintiffs' motion for default judgment (the "Order to Show Cause"). ECF No. 26. The Court ordered Plaintiffs to serve copies of the Order to Show Cause and supporting documents on Defendant by hand-delivery or first-class mail and N.Y. Business Corp. Law § 306. *Id.*

On July 1 and 2, 2021, Plaintiffs filed an affidavit indicating that Defendant was served by first-class mail. ECF Nos. 27–28. However, Plaintiffs did not attach proof of service indicating that service was actually executed, nor did they demonstrate that Defendant was served pursuant to the procedures set out in N.Y. Business Corp. Law § 306. Plaintiffs' service of the Order to Show Cause and supporting documents on Defendant is therefore deficient. Accordingly:

- By **July 21, 2021**, Plaintiffs shall (1) file on the docket proof of service by first class mail as directed by the Order to Show Cause; and (2) serve copies of the Order to Show Cause and the supporting papers on Defendant by service on the Secretary of State, pursuant to N.Y. Business Corp. Law § 306.
- By **July 23, 2021**, Plaintiff shall file on the docket proof of service of the Order to Show Cause and supporting papers on Defendant.
- By **July 26, 2021**, Defendant shall respond to Plaintiffs' motion.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 7/19/2021

20 Civ. 9518 (AT)

ORDER

- By **July 30, 2021**, Plaintiffs shall submit their reply, if any.

SO ORDERED.

Dated: July 19, 2021
New York, New York


ANALISA TORRES
United States District Judge